

PSJ11 CVS Opp Exh 8

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION) Case No.
OPIATE LITIGATION) 1:17-MD-2804
APPLIES TO ALL CASES) Hon. Dan A. Polster
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HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

VIDEOTAPED DEPOSITION OF HENRY JOHN MORTELLITI, III
WASHINGTON, D.C.

WEDNESDAY, JANUARY 23, 2019

8:05 A.M.

Reported by: Leslie A. Todd

1 timeline.

2 MR. KENNEDY: Exhibit 16, please.

3 (Exhibit No. 16 was premarked for

4 identification.)

5 BY MR. KENNEDY:

6 Q Let's take a look at that. Do you
7 remember this problem with historical data related
8 to active ingredient?

9 A I don't remember it being active
10 ingredient. Let me see.

11 Q Let's look at 16. This document is from
12 10/8/2010. All right? Is it titled on the first
13 page "Business Idea Description"? Do you see
14 that?

15 A I do.

16 Q And it says: "Submit to
17 IS-Business-Idea mailbox." What is IS?

18 A They are the group in corporate that can
19 write a query for your programs.

20 Q And this is requested for on behalf of
21 John Mortelliti. Is that you?

22 A Yes.

23 Q And your department at that point in
24 time was loss prevention, true?

1 A Yes.

2 Q And the title is "Control Drug IRR
3 Update." True?

4 A Yes.

5 Q And that is what we've been talking
6 about, the IRR report that's kind of foundational
7 to your monitoring program, true?

8 A Yes.

9 Q When was the last time you reviewed this
10 document?

11 A I don't -- I don't know. I --

12 Q It says: "Summary Description and
13 Objectives: DEA expects CVS to prevent suspicious
14 orders from being filled out of our DCs."

15 Did I read that right?

16 A You did.

17 Q And that would be true, that's what the
18 DEA expects, does it not?

19 A Yep.

20 Q Next sentence: "The current IRR does
21 not provide the proper information to meet the
22 DEA's needs."

23 Did I read that right?

24 A You read it correctly.

1 Q Next sentence, does it state: "We need
2 control drugs to be monitored by 'active
3 ingredient.' Currently the control drugs are
4 monitored by item. The IRR loses all order
5 history when the info on the item changes causing
6 CVS to be noncompliant with DEA expectations."

7 Did I read that correct?

8 A You read it correctly.

9 Q Were those your words, sir? Were those
10 your words?

11 A That's what I put in here.

12 Q Now --

13 A But --

14 Q No, I just asked you if those were your
15 words, and we'll go into detail.

16 A Okay.

17 Q Let me ask you first, sir, you weren't
18 in -- in the habit of writing and creating and
19 filling in documents on things you didn't believe,
20 stuff you thought was untrue? Was that your habit
21 and your practice at CVS back in 2010 or 2009 or
22 '08, was that ever your practice to -- to write
23 things and document things that you believed were
24 not true? Was that your practice, sir?

1 soon as possible, are they?

2 MR. BUSH: Objection.

3 THE WITNESS: They realize we were
4 compliant, so it did fall to the back burner.

5 (Exhibit No. 18A was premarked for
6 identification.)

7 BY MR. KENNEDY:

8 BY MR. KENNEDY:

9 Q All right. Well, let's look. They
10 realized you're compliant. Let's see what they
11 realized. Let's go to Exhibit 18A.

12 It's now April 29th of 2011, and that's
13 about eight months after you identified this
14 problem with the IRR, correct?

15 A There was no problem with the IRR. I
16 wanted it changed to active ingredient instead of
17 by drug.

18 Q And it's been eight months since you
19 wanted to have that done ASAP, true?

20 A Yes.

21 Q And now Gary, who you have identified
22 as -- he's somebody who's involved in IT, he makes
23 IT type changes, right?

24 A Yes.